

Management Board minutes

Monday 27 July 2015

Members and other attendees present

Ailsa Beaton	Non-executive Director
Simon Entwisle	Deputy Chief Executive Officer
Christopher Graham	Information Commissioner (chair)
Andrew Hind	Non-executive Director
David Smith	Deputy Commissioner Data Protection
Graham Smith	Deputy Commissioner Freedom of Information
Ian Watmore	Non-executive Director
Nicola Wood	Non-executive Director
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)
Neil Bostock	Corporate Governance Officer secretariat)

1. Introductions and apologies

- 1.1. There were no apologies or introductions.
- 1.2. Christopher Graham announced forthcoming changes to the ICO Board. Graham Smith is leaving the ICO to take up a post in the Cabinet of the European Ombudsman, Emily O'Reilly. He will be leaving at the end of October after 14 years as Deputy Commissioner and will be moving to Brussels.
- 1.3. Christopher Graham reported that Andrew Hind had been appointed chair of the Fundraising Standards Board and would be standing down as a Non-executive Director with effect from the end of August. This would be his last meeting. The Commissioner thanked Andrew Hind for his insightful contribution to Management Board discussion and for his work as chair of the Remuneration Committee.

- 1.4. In light of these changes, and the forthcoming retirement of David Smith in November, Christopher Graham announced that he would be reviewing senior management arrangements for the next 18 months. Changes would be announced as soon as possible.
- 1.5. In respect of Andrew Hind's departure it was confirmed that Ailsa Beaton would be joining the Remuneration Committee to work alongside Nicola Wood.

2. Declaration of interests

- 2.1. There were no declarations of interest.

3. Matters arising from the meeting of 28 April

- 3.1. The accuracy of the minutes, agreed by correspondence, was confirmed. There were no amendments required.
- 3.2. There was one action outstanding, relating to the register of interests. This had not been cleared due to other work priorities.

4. Commissioner's forward look

- 4.1. The Commissioner introduced his forward look highlighting issues affecting the ICO. The most immediate issue was the announced move of responsibility for freedom of information policy from the Ministry of Justice to the Cabinet Office, and a lack of clarity as to where responsibility for data protection policy and ICO sponsorship would lie. Christopher Graham had communicated with relevant ministers.
- 4.2. Uncertainty around the sponsorship role had meant further delay in finalising the Triennial Review report and starting the process of recruiting the next Commissioner.
- 4.3. Christopher Graham provided a summary of the events which led to the Treasury imposing an administrative penalty on the ICO for not having obtained Treasury agreement for two senior management pay rises; agreement had been given retrospectively.
- 4.4. In respect of the risk register Simon Entwisle explained that given the announcement in the Spending Review of large cuts for central government departments, with the MOJ being asked to model two scenarios of 25% and 40% savings by

2019-20, it was likely that the ICO would face cuts in its grant in aid which funded freedom of information work.

- 4.5. The need to consider the implications for the ICO of an exit from the EU was raised as was the possibility of considering different recruitment models to mitigate against concerns about recruitment and retention. For example graduate entry schemes.
- 4.6. Members were reminded of the Management Board strategy day planned for 5 October.

5. Triennial Review

- 5.1. It was still unclear as to when the Triennial Review report would be published. It was expected that a decision would only be made once responsibility for the ICO sponsoring role was clarified. The report could be published during recess.

6. Deputy CEO issues

Critical IT hardware failure

- 6.1. Simon Entwisle introduced a paper detailing the cause of the May IT failure, how it was handled, and lessons learnt. The paper would be made available to staff along with a summary version which was being drafted. Whilst some staff would be interested in the full version, it was very detailed.
- 6.2. In respect of the cause of the failure, the conclusion was that the problem could have been avoided; however the fact that it had happened was not due to negligence.
- 6.3. The handling of the incident had generally been good but difficulties in bringing in extra resources from contractors had been noted and recommendations were made across IT contract management, communications and business continuity. These would be addressed.

Rolling IT strategy – an update

- 6.4. An update on progress in reviewing the ICO IT strategy was presented for discussion. The Board was supportive of the direction the ICO was moving in.

7. Performance against the ICO Plan

- 7.1. The report on performance against the ICO Plan 2015-2018 was presented for discussion. In general work was on

track. There were a few gaps in the report which would be filled for the next meeting.

- 7.2. The impact of the May IT failure on helpline performance was noted. This was not reflected in the figures on numbers of calls taken and length of wait as these were provided by the IT system itself.
- 7.3. The automated nature of the response given by the ICO when a data controller self-reported a data protection breach was questioned.

Action point 1: Simon Entwisle to check the response to self reported breaches to ensure that they were appropriate.

- 7.4. Graham Smith advised that figures on freedom of information appeals work were now available.

Action point 2: Graham Smith to provide Corporate Governance with figures on freedom of information appeals work.

8. Finances

- 8.1. The June income and expenditure report was presented for discussion. The main issue was registration fee income which was close to forecast budget. However the forecast was higher than last year and, as a result, it was possible that the ICO would have an underspend at the end of this financial year.
- 8.2. Research had started aimed at understanding better how to accurately forecast registration fee income. More accurate forecasting could allow the fee income to be adjusted more quickly to better match ICO expenditure. Shorter term mitigation was discussed.

Action point 3: Simon Entwisle to consider whether there were mitigating actions the ICO could take to help ensure that income more closely matched expenditure.

9. Issues reports

Operations

- 9.1. The May IT outage had affected operational performance, but the precise impact was difficult to quantify.
- 9.2. The fact that it took 90 days to close a quarter of the freedom of information complaints received was questioned.

It was confirmed that this was a realistic target given that many of the cases involved the need to investigate in some detail what exactly had been done by public authorities.

Information rights

- 9.3. This report covered information rights policy issues.
- 9.4. In addition to the setting up of the commission to look at the operation of the Freedom of Information Act, the separate government consultation on introducing tribunal fees of £100 (for a written appeal) and £600 (for an oral hearing) was noted. This fee would include Information Tribunal hearings and if the suggestion was taken forward could reduce the number of appeals the ICO was involved in.
- 9.5. David Smith provided an update on work on the privacy seal project. There had been delays due to the need for legal advice and additional work on the logo, but work was progressing and the aim was to launch the seal before the first quarter of 2016/17.
- 9.6. David Smith also provided an update on progress in agreeing the EU data protection regulation. Implementation was currently expected in about three year's time.

Corporate Affairs

- 9.7. The Corporate Affairs report was presented in a new quarterly format which was welcomed.

Organisational Development

- 9.8. The amount of staff movement within the ICO (both as lateral transfers and on promotion) was noted.

IT and business development

- 9.9. A quarterly highlight report was presented.

10. Executive Team meetings

- 10.1. The minutes of Executive Team meetings held since the last Board meeting were presented for information.

11. Audit Committee

- 11.1. The minutes of the last Audit Committee were presented for information.
- 11.2. Ian Watmore commented that the reporting and support structure for the new Head of Finance was working well.

12. Remuneration Committee

- 12.1. Minutes of the last Remuneration Committee were presented for information.
- 12.2. Andrew Hind noted that the analysis of pay variances which had raised equality issues had been very thorough.
- 12.3. The Committee had recommended that there should be some common Executive Team member objectives.

13. Any other business

- 13.1. There was no any other business.